

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric and Southern California Edison and their impact on the Gas Price Spikes Experienced at the California Border from March 2000 through May 2001

Investigation 02-11-040  
(Filed November 21, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
RE SEALED TRANSCRIPT OF SEPTEMBER 20, 2004**

Assigned Administrative Law Judge (Assigned ALJ) Charlotte F. TerKeurst and Law and Motion Administrative Law Judge (Law & Motion ALJ) John E. Thorson conducted a discovery hearing on September 20, 2004. That hearing addressed the status of Sempra Energy Trading Corp.'s (SET) compliance with Law & Motion ALJ Thorson's prior June 10, 2004 ruling concerning SET's recovery, review, and delivery of e-mail documents pursuant to Southern California Edison Company's (SCE) *subpoena duces tecum*. SET requested that certain portions of the hearing transcript be sealed. The transcript was ordered sealed pending a more detailed claim by SET of the specific portions of the transcript that should remain under seal.

The transcript has been prepared under seal. SET has reviewed the transcript in detail, now claims confidentiality for the following portions of the transcript and requests that these portions of the transcript remain under seal:

1. Page 1401, lines 19-22

2. Page 1419, lines 9-28
3. Page 1420, lines 1-21
4. Page 1421, lines 4-6, 10-11, 18-20
5. Page 1422, lines 12-14, 19-28
6. Page 1423, lines 1-5, 21 (beginning after "believe")-23 (ending before "that")
7. Page 1425, lines 1-28
8. Page 1426, lines 1-22
9. Page 1427, lines 10-20
10. Page 1428, lines 25-28
11. Page 1429, lines 1-5
12. Page 1431, lines 25 (beginning after "difficult")-28
13. Page 1432, lines 5 (beginning after "names")-7, 11 (beginning after "individuals")-28 (ending before "here")
14. Page 1433, lines 4-28 (ending before "that")
15. Page 1434, lines 5-12
16. Page 1435, line 4, lines 8 (beginning after "terms")-9
17. Page 1436, lines 15-28
18. Page 1437, line 1
19. Page 1443, lines 7-12
20. Page 1444, lines 23-28
21. Page 1445, lines 1-4
22. Page 1465, lines 24-25
23. Page 1466, lines 2-11, 15 (beginning after "Two")-16 (ending before "so"), line 26 (ending before "so")
24. Page 1468, line 15 (beginning after "proposal")-16 (ending before "most"), line 27 (ending before "obviously")
25. Page 1469, line 6 (beginning after "that", ending before "with"), 19 (beginning after "terms")-20
26. Page 1473, line 28 (beginning after "Two")
27. Page 1474, line 1 (ending before "that")

Good cause appearing, **IT IS RULED** as follows:

1. The portions of the transcript from the September 20, 2004 hearing, as identified above, will remain under seal for a period of two years from the date of this ruling. During this period, the information will not be made accessible or disclosed to anyone other than (a) Commission staff; (b) other parties to this

proceeding who have executed a reasonable nondisclosure agreement with Sempra Energy Trading; or (c) upon the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then-designated as Law and Motion Judge.

2. After redaction of these sealed portions, the remainder of the transcript may be made public.

3. If Sempra Energy Trading believes that further protection of this information is needed after two years, one or more of them may file a motion stating the justification for further withholding the information from public inspection, or for such other relief as the Commission rules may then provide. This motion must be filed no later than 30 days before the expiration of this protective order.

Dated October 20, 2004, at San Francisco, California.

/s/ JOHN E. THORSON

---

JOHN E. THORSON

Law and Motion

Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties who have provided an electronic mail address, this day served a true copy of the original attached Administrative Law Judge's Ruling Re Sealed Transcript of September 20, 2004 on all parties of record in this proceeding or their attorneys of record.

Dated October 20, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

\*\*\*\*\*

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

I.02-11-040 JET/hl2

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.